

# *Waivers*

## *PETITION FOR WAIVER*

- (a) Any person who owns or operates pipeline facilities subject to Part 191, 192, 193, 195, or 199 may seek relief from any regulation in those parts for a particular operation by petitioning for a waiver.
- (b) Each petition for waiver of a safety standard in Part 192, 193, 195, or 199 regarding an intrastate pipeline facility for which a State agency has submitted a certification or entered into an agreement under Section 60105 of the Pipeline Safety Laws must be filed with that State agency in accordance with the rules of the State agency.
- (c) Each petition for waiver of a regulation under paragraph (a) of this section where paragraph (b) does not apply, must be submitted in triplicate to the Associate Administrator for Pipeline Safety, Washington, DC 20590, and contain the following information:
  - (1) The name, address, and telephone number of the petitioner.
  - (2) The regulation from which the waiver is sought.
  - (3) A description of the pipeline facility involved, including, if necessary to justify the waiver, design and operating specifications, monitoring and control devices, drawings, maps, calculations, and test results.
  - (4) The location of the pipeline facility and a description of the environment in which it operates, including any buildings and outside areas intended for human occupancy that could be endangered by a failure or malfunction of the facility.
  - (5) A description of the particular operation for which the waiver is sought.
  - (6) An identification of any increased risks that the particular operation would create, and the additional safety measures that are proposed to compensate for those risks.
  - (7) For a waiver of a safety standard, a statement explaining why the particular operation would not be inconsistent with pipeline safety.

### *STATE AGENCY WAIVERS*

- (a) A State agency that receives a petition may grant a waiver in the same manner and to the same extent as the Associate Administrator, for Pipeline Safety, subject to the requirements of paragraph (b) of this section.
- (b) When a State agency grants a waiver, it must give the Associate Administrator of Pipeline Safety, written notice of the waiver. The notice must state the terms and conditions of the waiver and provide the information specified under paragraph (c) of page 1. A waiver granted by a State agency may not become effective until at least 60 days after the Associate Administrator of Pipeline Safety, receives the notice, unless the Associate Administrator has no objection to the waiver and so notifies the State agency. If the Associate Administrator of Pipeline Safety, objects in writing to the waiver before it is to become effective, the grant of the waiver is stayed. The Associate Administrator of Pipeline Safety, notifies the State agency of each objection and affords the State agency an opportunity to present its case for waiver, including a hearing if requested. Thereafter, the Associate Administrator of Pipeline Safety, finally determines whether the waiver may be granted.

## *INTERPRETATIONS*

Any person who owns or operates pipeline facilities subject to 49 CFR Parts 190 - 199 may seek a formal interpretation of a specific regulation to clarify how that regulation would apply in a specific situation for their pipeline facility.

The request for a formal interpretation of a safety standard should be submitted in triplicate to:

Richard Felder  
Associate Administrator of Pipeline Safety, DPS-1  
Office of Pipeline Safety  
400 7th Street, S.W.  
Washington, D.C. 20590

The request for formal interpretation should contain the following:

- (1) The name, address, and telephone number of the petitioner.
- (2) The specific regulation for which the formal interpretation is sought.
- (3) Information sufficient for the Office of Pipeline Safety to make an interpretation that would be consistent with the intent of the pipeline safety regulations, including as appropriate:
  - (a) The name, location, material characteristics, dimensions, and operating pressure range of the pipeline.
  - (b) Maps, diagrams, or other aids that would lend to making the interpretation.
  - (c) A description of the environment in which the pipeline or pipeline facility operates, including any buildings and outside areas intended for human occupancy, highways, railroads, and significant natural areas that could be endangered by a failure or malfunction of the facility.